609

Supreme Court, U.S.
FILED
JAN 18 1989
JOSEPH F. SPANIOL, JR.
CLERK

NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1988

MOSES W. HAYNES, PETITIONER

VS.

NORTHWEST NATIONAL BANK OF CHICAGO,

RESPONDENT

PETITION FOR WRIT OF "MANDAMUS"

OR PROHIBITION

ON APPEAL FROM THE SUPREME COURT

OF ILLINOIS

MOSES W. HAYNES
8525 S. Dorchester Avenue
Chicago, Illinois 60619

86 RP

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PART I

NOTICE OF PETITIONER'S

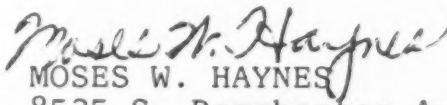
"PETITION FOR WRIT OF "MANDAMUS"

OR "PROHIBITION" AND PROOF OF SERVICE

TO: SIMPSON, CYBAK & TORRES
77 West Washington St., Suite 818
Chicago, Illinois 60602
(312) 236-3580

PLEASE TAKE NOTICE that on December 21, 1988, I, Moses W. Haynes, Appellant-Petitioner, on oath, filed the attached "PETITION FOR WRIT OF "MANDAMUS" OR "PROHIBITION", with the Clerk of the SUPREME COURT OF THE UNITED STATES, at Washington, D.C., and then, I served a copy of this notice and the attached

"PETITION FOR WRIT OF "MANDAMUS" OR "PROHIBITION", by placing same in an envelope addressed to the persons named above, at the address indicated, postage prepaid, and depositing the same in the U.S. mail at 7748 S. Cottage Grove Avenue, Chicago, Illinois 60619, prior to 6:00 p.m. on December 21, 1988.



MOSES W. HAYNES
8525 S. Dorchester Avenue
Chicago, Illinois 60619
(312) 221-8659

NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1988

MOSES W. HAYNES, PETITIONER

VS.

NORTHWEST NATIONAL BANK OF CHICAGO,

RESPONDENT

NOTICE OF PETITIONER'S

"PETITION FOR WRIT OF "MANDAMUS"

OR "PROHIBITION" AND PROOF OF SERVICE

TO: JUSTICE SIDNEY A. JONES, III
Circuit Court of Cook County, Illinois
Richard J. Daley Center
Chicago, Illinois 60602

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Moses W. Haynes

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NORTHWEST NATIONAL BANK OF CHICAGO,

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"PETITION FOR WRIT OF "MANDAMUS"

OR "PROHIBITION" AND PROOF OF SERVICE

TO: JUSTICE FRANCIS S. LORENZ
JUSTICE JAMES C. MURRAY
JUSTICE J. SULLIVAN
Appellate Court First District
Richard J. Daley Center, Room 2830
Chicago, Illinois 60602

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"PETITION FOR WRIT OF "MANDAMUS"

OR "PROHIBITION" AND PROOF OF SERVICE

TO: CHIEF JUSTICE THOMAS J. MORAN
JUSTICE DANIEL P. WARD
JUSTICE WILLIAM G. CLARK
JUSTICE JOSEPH F. CUNNINGHAM
JUSTICE HOWARD C. RYAN
JUSTICE BEN MILLER
JUSTICE JOHN J. STAMOS
Supreme Court
State of Illinois
Springfield, Illinois 62706

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PART II

PETITION FOR WRIT OF "MANDAMUS"

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ON APPEAL FROM THE SUPREME COURT

OF ILLINOIS

MOSES W. HAYNES
8525 S. Dorchester Avenue
Chicago, Illinois 60619

PETITION FOR WRIT OF "MANDAMUS"

OR "PROHIBITION"

The question presented for review by this appeal is the "Due Process" clause in the Fourteenth Amendment of the Constitution of the United States. It requires that state action, whether through one agency or another, shall be consistent with the fundamental principles of liberty and justice, which lie at the base of all our civil and political institutions and not infrequently are designated as "Law of the Land". These principals are applicable alike in all the states and do not depend upon or vary with local legislation. (Hebert v. State of Louisiana 272 U.S. 312, 47 S. Ct. 103, 71 L. Ed. 270; Castillo v. McConnico, 168 U.S. 674, 682, 683, 18 S.Ct. 229, 42 L. Ed. 622; West v. Louisiana, 194 U.S. 258, 261, 263, 24 S.Ct. 650, 48 L. Ed. 965; Patterson v. Colorado, 205 U.S.

- 454, 459, 27 S.Ct. 556, 51 L. Ed. 879, 10 Ann. Cas. 689; Pullman Co. v. Knott, 235 U.S. 23, 25, 35 S.Ct. 2, 59 L. Ed. 105; Enterprise Irrigation District v. Farmers Mutual Canal Co., 243 U.S. 157, 166, 37 S.Ct. 318, 61 L. Ed. 644.

"The guaranty of due process of law requires that every man shall have the protection of his day in court and the benefit of the general law - a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society ... An orderly proceeding in which a person is served with notice, actual or constructive, and has an opportunity to be heard and to protect and enforce his rights before a court having power to hear and determine the cause, is "due

process of law." (Quoted by Gunn, J., in Griffin v. Cook County, 16 N.E. 2d 906, 369 Ill. 380, 1938).

A review of this case will show the court, that by neglecting to act through its legislature and judiciary, the State of Illinois has deprived the Petitioner and all of the citizens of this state of all existing remedies for the enforcement of a right, which the state has no power to destroy, unless there is, or was, afforded to them some real opportunity to protect it. Petitioner contends, that this neglect is a denial of his rights granted under the "Due Process" clause in the Fourteenth Amendment, and is not consistent with the fundamental principals of "Liberty and Justice." If there was an administrative remedy available to the Petitioner, and other citizens, there would be no denial of due process in that regard.

The National Bank Act vests in the Comptroller of the Currency power to supervise all the operations of national banks, and specifically authorizes him to bring suit in the United States Courts for the forfeiture of the Charter of any national bank which violates any provision of the Act and thus exceed its corporate powers. #5239 Revised Statutes, #5240, as amended by the Federal Reserve Act, #21, 38 Stat. 271, contends that the Comptroller shall have the "Visitatorial" power to enforce observance of the National Bank Act.

The state when its action is not in conflict with national law, can and must suppress unauthorized and unlawful conduct of a national bank within the state. A state in the proper exercise of its police powers has the right to suppress a wholly unauthorized and unlawful act in the state. (Guthrie v.

Harkness, 199 U.S. 148.). A proceeding in the nature of "Quo Warranto" is the appropriate remedy and means to question and stop unauthorized and unlawful conduct of a national bank in the State of Missouri. (Standard Oil Co. v. Missouri, 224 U.S. 270; First National Bank v. Fellows, 224 U.S. 416.).

The judgment of the State of Illinois Supreme Court involves a denial of due process of law, which plainly it does. But it is clear that the Fourteenth Amendment in no way undertakes to control the power of a state to determine by what process legal rights may be asserted or legal obligations be enforced, provided the method of procedure adopted for these purposes gives reasonable notice and affords fair opportunity to be heard before the issues are decided. (Opinion of the court delivered by Justice

Sutherland in First National Bank v. Missouri). This state has no process at all.

It has been in the sphere of administrative law that the rights of American citizens involving their personal liberty and their private property, are being manhandled without logic and without justice. Unless the Appellate Courts intelligently and courageously identify Scuntilla Evidence and cast it out, when they find it, the Bill of Rights with its reservations in the states, become a mockery to all lovers of liberty. (Fake, J. Dissenting in Lusthans v. Conn. 149 F. 2d, 232, 1945).

PART III

The parties to the proceedings in the courts whose judgment is sought to be reviewed are as follows:

SIDNEY A. JONES III, Judge of the Circuit Court

FRANCIS S. LORENZ, Judge of the Appellate Court

JAMES C. MURRAY, Judge of the Appellate Court

JOHN J. SULLIVAN, Judge of the Appellate Court

THOMAS J. MORAN, Chief Justice of the Supreme Court

DANIEL P. WARD, Justice of the Supreme Court

JOSEPH F. CUNNINGHAM, Justice of the Supreme Court

WILLIAM G. CLARK, Justice of the Supreme Court

HOWARD C. RYAN, Justice of the Supreme Court

BEN MILLER, Justice of the Supreme Court

JOHN J. STAMOS, Justice of the Supreme Court

NATURE OF THE PROCEEDINGS

This cause involves a "Retail Installment Contract", where a "Rebate" of an overpayment of the interest on the loan will be made at anytime the contract is paid in full, before the maturity of the final installment is due. The computations involves the "Sum-of-the-Digits" method, also know as the "Rules of the 78ths". In December 1982, Petitioner "Over-Paid" the loan in the amount of Four Hundred Eighty Eight Dollars and Ninety-Three Cents ($488.93) in unearned interest. Respondent would not release Petitioner's "Trust Deeds" on his home, until Petitioner paid Respondent Eight Hundred and Seven Dollars and Fifty-Five Cents ($807.59) which represent the remaining coupons in the payment book. When it was paid, Respondent returned Petitioner's Trust Deeds and Promissory Note, marked "paid", and a check for Thirty-Nine

Dollars ($39.00) as the rebate amount. Petitioner went to the States Attorney's office and complained of the matter, and was told that the "matter of complaint did not fall within the jurisdiction of his office". (See Appendix II)

At the Circuit Court hearing, Petitioner met his burden of proof with a preponderance of evidence. Respondent had no evidence to support his position. Respondent could not meet his burden of proof and so stated before the Judge of the Court. It was also stated on the Court's Order, nevertheless judgment was given to the Respondent. A Motion for a Rehearing by Petitioner was made and denied.

When appealed to the Appellate Court, it was dismissed on a Motion by Appellee, on the grounds of having no response from the Appellant. Appellee at this time has not filed a brief as

required by the "Illinois Code of Civil Procedure and Court Rules", and to this day has not filed one. Yet the Courts continues to uphold his illegal acts and continues to make decisions in his favor. The Courts do not make their decisions according to the evidence and rules of court. A Petition to the Supreme Court of Illinois "For Leave to Appeal" from the Appellate Court as a matter of right (Ill. Supreme Court Rule #315, Ill. C.C.P. and Rules, p. 250, 1986), was filed and denied. The negligence of the legislature to make laws for the national banks in respect to their affairs in the state, coupled with the denial of the Supreme Court of this state to an appeal, constitute, in the opinion of the Petitioner, a denial of due process of law in the sense of the Fourteenth Amendment. If there was an administrative remedy available to

Petitioner, there would be no denial of due process in that regard.

The entry of the judgment of the Supreme Court of Illinois was filed on October 28, 1988. This denial also is a denial of Due Process clause of the Fourteenth Amendment, and is inconsistent with the fundamental principals of liberty and justice. (Carter v. Grenshaw 114 U.S. 317 quoted in Reese v. Holm 31 T. Supp. 435, 1940; Fansler, C.J., State v. Hilgemann, 34 N.E. 2d, 129, IND., 1941.)

"Due process" of law is not confined to judicial proceedings, but extends to every case which may deprive a citizen of life, liberty, or property whether that proceeding be judicial, administrative, or executive in its nature. (Chicago, M.& St.P.R. Co. v. Bd. of R. Com., 76 Mont. 305, 110 Mont. 333, 1940).

National banks are brought into existence under federal legislation, are instrumentalities of the federal government and are necessarily subject to the paramount authority of the United States. Nevertheless, national banks are subject to the laws of a state in respect to their affairs in that state, unless such laws interfere with the purpose of their creation, tend to impair or destroy their efficiency as a federal agencies or conflict with the paramount law of the United States. (First National Bank of St. Louis v. Missouri, 263 U.S. 640; Comm. of Banks v. Chase Search Corp., 10 NE, 2d, 472; 208 Mass, 285, 1937; Day J. Van Reed v. Peoples National Bank, 198 U.S. 554; UHL v. First National Bank & Trust Co., 24 F. Supp. 275, 1938.).

It may therefore be said that to be a fundamental principle of the Law of Contracts, that a contract must have a lawful purpose and that transactions in violation of law cannot be made the foundation of a valid contract. (Miller J. Suburban Home Mortgage Co. v. Hoopwood, 70 NE 2d 503 OHIO APP. 1946; Bell v. McGinness, 40 OHIO St. 204; Venditti v. Mucuaroni 8NE 2d 460 Ohio, 1937; C. & Q.R. Co. v. McGuire, 219 U.S. 549, quoted by Hughes, C.J. in West Coast Hotel Co. v. Parrish, 300 U.U. 379, 193.

It is ~~only~~ general legislation of the state which is binding on national banks (National Banks v. Commonwealth 9 WALL 353; Davis v. Elmira Savings Bank, 161 U.S. 27; McClellan v. Chipman, 164 U.S. 347; First Nat. Bank v. California, 262 U.S. 366.)

Under the provision no state can deprive any person of life, liberty, or property without due process of law. The right to make a contract in relation to a bank (Marshall, C.J., Ogden v. Saunders, 12 Wheat. 213; Jefferson S.L. Ins. Co. v. Noble, 188 So. 289, 185 Miss. 360, 939.). These terms, as they are used in the Constitution of the United States, secure in each state to the citizens of all states the right to usual remedies to collect debts, and to enforce, remove and carry on business therein, the right by usual modes to acquire and hold property, and to protect and defend the same in the law: the right to the usual remedies to collect debts, and to enforce other personal rights.

Art. 1. Section 10, which forbids states to pass laws impairing the obligations of contracts. The Constitutional provision, so far as it can be said to confer upon or secure to any person any individual rights, does so only indirectly and incidentally. It forbids the passage by the states, of laws such as described. If any such are nevertheless passed by the legislature of a state, they are unconstitutional, null and void. It is also unconstitutional if no law is passed protecting that obligation. In any judicial proceeding necessary to vindicate his rights under a contract is affected by such legislation, the individual has a right to have a judicial determination declaring the nullity of the attempt to impair its obligation. This is the only right

secured to him by that clause of the constitution. (Carter v. Grenshaw 114, U.S. 317, quoted in Reese v. Holm, 31 R. Supp. 435, 1940.).

Since the legislature has not made any laws in regards to the unlawful acts of the national banks in the state, and the judiciary has flatly denied Petitioner's right of an appeal, the issuance of the Writ of Mandamus or Prohibition by this Court is the only means petitioner has to attain the relief he desires.

Wherefore, Petitioner prays that this Honorable Court will review the records of this case as presented, grant the Petition, and the relief he desires, and such other relief, either general or special, at law or in equity, to

which he may show himself justly entitled to, plus all costs.

Respectfully submitted:

MOSES W. HAYNES
8525 S. Dorchester Avenue
Chicago, Illinois 60619
(312) 221-8659

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Illinois Supreme Court Order #67452 dated 10/88

APPENDIX II

Letter from Attorney General Office, State of Illinois, dated 7/26/84

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Letter from Comptroller of the Currency, Administrator of National Banks, dated 8/13/84

APPENDIX IV

Letter from Comptroller of the Currency, Administrator of National Banks, dated 1/24/85

APPENDIX V

Letter from Comptroller of the Currency, Administrator of National Banks, dated 1/22/88

APPENDIX VI

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Appellate Court of Illinois, First Judicial District, Order #86-3564 dated 8/18/87

APPENDIX XI

Appellate Court of Illinois, First District Order #88-944 dated 7/19/88

APPENDIX - I

STATE OF ILLINOIS SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the twelfth day of September, 1988.

Present: Thomas J. Moran, Chief Justice

Justice Daniel P. Ward

Justice William G. Clark

Justice Joseph F. Cunningham

Justice Howard C. Ryan

Justice Ben Miller

Justice John J. Stamos

On the sixth day of October, 1988, the Supreme Court entered the following judgment:

No. 67452

Moses W. Haynes, Petitioner v. Northwest National Bank of Chicago, Respondent	Petition for Leave to Appeal from Appellate Court First District 1-88-0944 86MI112264

The Court having considered the Petition for Leave to Appeal and being fully advised of the premises, the Petition for Leave to Appeal is DENIED.

As Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, I certify that the foregoing is a true copy of the final order in this case.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court, this twenty-eighth day of October, 1988.

JULEANN HORNYAK
"Signed"

Clerk,
Supreme Court of the State of Illinois

APPENDIX - II

NEIL F. HARTIGAN
ATTORNEY GENERAL
STATE OF ILLINOIS

(312) 488-2600

July 26, 1984

Mr. Moses W. Haynes

8525 S. Dorchester

Chicago, IL 60619

RE: Northwest National Bank

File No. #013310-SS

Dear Mr. Haynes:

Our office recently received a complaint from you. The subject matter of your complaint, however, does not fall within the jurisdiction of this office. We therefore forwarded your complaint to:

COMPTROLLER OF THE CURRENCY

Administrator of National Banks

Sears Tower -Suite 5750

233 S. Wacker Drive

Chicago, IL 60606

353-0300

I trust you will hear from the above named agency within the near future.

Very truly yours,

ROBERT J. RUIZ, Deputy Chief,
Consumer Protection Division

JOHN H. HUNTER
"Signed"

BY: _____
JOHN H. HUNTER

NFH:RJR:JHH:cb

COMPTROLLER OF THE CURRENCY
ADMINISTRATOR OF NATIONAL BANKS

Central District

Sears Tower, Suite 5750

233 S. Wacker Dr.

Chicago, IL 60606

August 13, 1984

Mr. Moses W. Haynes

8525 S. Dorchester Avenue

Chicago, Illinois 60619 RE: #330969

Dear Mr. Haynes:

This responds to your letter requesting our assistance to resolve your banking problem.

The Office of the Comptroller of the Currency (OCC) is responsible for enforcing compliance with state and federal consumer laws as they apply to national banks. Further, the Consumer

Complaint Area of the OCC was established to ensure that bank customers' rights are protected concerning the above-mentioned laws. However, many transactions which lead customers to complain about a bank's actions are not within the jurisdiction of this Office.

We have reviewed the correspondence you forwarded and determined that the problems you describe appear to involve bank policies and procedures rather than a federal or state consumer law. Therefore, we are sending your correspondence directly to the bank for action. Also, we are asking the bank, by copy of this letter, to provide this Office with a copy of its response to you. You will not hear from us again

unless we determine the bank's response does not adequately address your concerns.

Congress has not authorized the OCC to decide any disputed questions of fact or to interpret contracts between private individuals and banks. Therefore, if you are not satisfied with the bank's response, you should discuss the matter with private legal counsel, who can best advise you of any legal remedies available.

We sincerely hope the response you receive from the bank resolves the matter to your satisfaction. If you are not satisfied with this office's interpretation of your situation you have the right to appeal to the Consumer

Examinations Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, Washington, DC 20219.

Sincerely,

YOLANDA E. JOHNSON - "Signed"

Yolanda E. Johnson

Consumer Complaint Specialist

cc: Margaret Bellock
Senior Vice President & Cashier
Northwest National Bank of Chicago
3985 Milwaukee Avenue
Chicago, Illinois 60641

-xx-

APPENDIX IV

COMPTROLLER OF THE CURRENCY
ADMINISTRATOR OF NATIONAL BANKS

Washington, D.C. 20219

January 24, 1985

Mr. Moses W. Haynes

8525 S. Dorchester Avenue

Chicago, Illinois 60619

Dear Mr. Haynes:

This Office has received your inquiry concerning a problem you experienced with Northwest National Bank, Chicago, Illinois. Your state the bank's rebate amount under the Rule of 78's is not correct. Our Central District previously handled your complaint.

Under Regulation Z, Truth in Lending, the lender must disclose the method which will be used to compute the rebate of the unearned portion of the finance charge, but the regulation does not require that the lender show either how

the method works or its impact on the total cost of a pre-paid loan. The disclosure statement signed by you clearly indicates that in the event of prepayment of the loan, the Rule 78's would be used to compute the rebate of the unearned portion of the finance charge.

Our review of all available correspondence concerning this matter has produced no evidence to indicate the bank violated any federal laws or regulations in handling your loan. This Office computed the loan based on the Rule of 78's and we agree with the bank's determination that your pre-paid amount is $39.00. If you feel harmed by the bank's actions you may consider contacting private legal counsel who can best advise you.

Sincerely,

JOYCE B. DIXON - "Signed"

Joyce B. Dixon

Senior Paralegal Specialist

Legal Advisory Services Division

COMPTROLLER OF THE CURRENCY
ADMINISTRATOR OF NATIONAL BANKS

Central District

One Financial Place, Suite 2700

440 South LaSalle Street

Chicago, Illinois 60605

January 22, 1988

Moses W. Haynes
8535 S. Dorchester
Chicago, IL 60619

RE: Northwest National Bank
of Chicago
Chicago, IL
#372874

Dear Mr. Haynes:

This is in response to your letter concerning the referenced bank. We have received a letter from Assistant Vice President, Ronald D. Wood of the bank concerning your complaint. Mr. Wood has informed us that you filed suit against the bank and this matter was adjudicated in a court of law.

This Office is charged with the responsibility of enforcing banking statutes, regulations and rulings as they apply to national banks. Inasmuch as this matter has been litigated, this Office cannot enter into or overturn that eventual decision to be rendered by a court of law. Accordingly, we will not pursue this matter further. We regret we can not be of further assistance in this matter.

Very truly yours,

KATHRYN S. METCALF - "Signed"

Kathryn S. Metcalf

National Bank Examiner

IN THE CIRCUIT COURT OF COOK COUNTY
ILLINOIS

Moses W. Haynes Plaintiff	)	
v.	)	No. 86 MI 112264
Northwest National Bank of Chicago	)	

ORDER

This cause coming on for trial on the complaint, Plaintiff appearing personally and pro se and Defendant appearing by and through their attorney Richard P. Sulkowski, as a witness being present, the Court having heard testimony of the parties and the evidence presented, does hereby find that calculations made by Plaintiff on the basis for his complaint were made in error and that Defendant has not met his burden of proof;

IT IS HEREBY ORDERED:

Judgment is entered in favor of Defendant Northwest National Bank of Chicago and against Plaintiff, Moses W. Haynes.

Both parties shall bear their own cost.

Atty No. 20087

NAME Simpson, Cybak, Torres

ATTORNEY FOR Defendant

ADDRESS 77 Washington

CITY Chicago, Illlinois

TELEPHONE 236-3580

"STAMP"

SIDNEY A. JONES III

Dec. 3, 1986

Circuit Court - 189

_____, 19___

ENTER: SIDNEY A. JONES III

JUDGE JUDGE'S NO.

MORGAN M. FINLEY
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY

APPENDIX VII

ORDER CCG-2

IN THE CIRCUIT COURT OF COOK COUNTY
ILLINOIS

Moses W. Haynes Plaintiff	)	
v.	)	No. 86 MI 112264
Northwest National Bank of Chicago	)	

ORDER

This cause coming on for hearing on the motion of Plaintiff, Moses Haynes, appearing pro se, ad Defendant Northwest National Bank appearing by and through Simpson Cybak and Torres his attorneys, and the Court considering said motion as a Motion for a new trial and heard the arguments presented:

IT IS HEREBY ORDERED:

The motion of Plaintiff Moses Haynes is denied.

Atty No. 20087

NAME Simpson, Cybak, Torres

ATTORNEY FOR Defendant

ADDRESS 77 Washington

CITY Chicago, Illlinois

TELEPHONE 236-3580

"STAMP"

SIDNEY A. JONES III

Dec. 3, 1986

Circuit Court - 189

_____, 19___

ENTER: SIDNEY A. JONES III

JUDGE JUDGE'S NO.

MORGAN M. FINLEY
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY

APPENDIX VIII

No. 86-3564

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

MOSES W. HAYNES,	
Plaintiff/Appellant,	Appeal from Circuit Court of Cook County, Illinois Municipal Dept. #86 M1 112264
vs.	
NORTHWEST NATIONAL BANK,	Honorable Sidney Jones III
Defendant/Appellee.	

ORDER

This cause coming on for ruling on the Motion to Dismiss of the Defendant/Appellee, NORTHWEST NATIONAL BANK OF CHICAGO, due motive having been served and proof of service having been filed with the Court, this Court having jurisdiction over the parties and the subject matter, no response having been received and, having reviewed the file in this appeal:

IT IS ORDERED:

The motion of NORTHWEST NATIONAL BANK OF CHICAGO is hereby allowed and this appeal is dismissed.

Date:_____

Enter:_____
Justice

Simpson, Cybel & Torres #20087
Attorney for Appellee
77 W. Washington, Suite 818
Chicago, Illinois 60602
236-3580

ENTERED:

JAMES C. MURRAY - "Signed"
_____
JUSTICE

JOHN J. SULLIVAN - "Signed"
_____
JUSTICE

FRANCES S. LORENZ - "Signed"
_____
JUSTICE

"STAMP"

ORDER ENTERED JULY 13., 1987

-xxx-

APPENDIX - IX

IN THE APPELLATE COURT,
STATE OF ILLINOIS
FIRST DISTRICT

MOSES W. HAYNES Plaintiff/Appellant vs. NORTHWEST NATIONAL BANK OF CHICAGO Defendant/Appellee	) ON APPEAL FROM) CIRCUIT COURT OF) COOK COUNTY,) ILLINOIS) 86MI 112264) NO. 86-3564) JUDGE SIDNEY) JONES III

ORDER

This cause coming on for ruling on Summary Judgment in Favor of Appellant, Moses W. Haynes, for all of the relief sought, an objection having been filed by appellate and the care having been dismissed on appellee's motion on 7/13/87;

IT IS HEREBY ORDERED: that the

Motion is denied

Order entered July 30, 1987

APPENDIX - IX

Name Moses W. Haynes

Attorney for

Address 8525 S. Dorchester Ave.

City Chicago, IL 60619

Telephone 221-8659

JOHN J. SULLIVAN - "Signed"

JUSTICE

FRANCES S. LORENZ - "Signed"

JUSTICE

JAMES C. MURRAY - "Signed"

JUSTICE

GILBERT S. MARCHMAN,
CLERK OF THE APPELLATE COURT,
FIRST DISTRICT

APPENDIX - X

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

MOSES W. HAYNES Plaintiff/Appellant,	)	
	)	No. 86-3564
vs.	)	
	)	
NORTHWEST NATIONAL BANK OF CHICAGO, Defendant/Appellee	)	

ORDER

This cause coming on to be heard on plaintiff-appellant's Motion for Judgment and Objections to Appellee's Motion to Dismiss and defendant-appellee's objection thereto; it appearing that on July 13, 1987, this court granted the said defendant's motion to dismiss the appeal and the appeal was dismissed; it further appearing that in light of the present status of that case the court deems the plaintiff-appellant's objections to the defendant-appellee's previous motion to dismiss ought to be considered as a

motion to vacate this court's July 13, 1987, order dismissing the appeal; it finally appearing that plaintiff-appellant's motion contains no basis to vacate the order of dismissal.

IT IS ORDERED:

1. The plaintiff-appellant motion for judgment is denied.

2. Insofar as plaintiff-appellant's objections to to defendant-appellee's motion to dismiss is treated as a motion to vacate this court's July 13, 1987, order of dismissal, the same is denied and the appeal dismissed.

JOHN J. SULLIVAN - "Signed"

Presiding Justice

JAMES C. MURRAY - "Signed"

Justice

FRANCES S. LORENZ - "Signed"

Justice

APPENDIX - XI

No. 88-944

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

MOSES W. HAYNES, Plaintiff/Appellant	) ON APPEAL FROM) CIRCUIT COURT OF) COOK COUNTY,
vs.	) ILLINOIS) MUNICIPAL DEPT.
NORTHWEST NATIONAL BANK OF CHICAGO, Defendant/Appellee	) #86 M1 112264))

O R D E R

This cause coming on for ruling on the Motion to Dismiss of the Defendant/Appellee, NORTHWEST NATIONAL BANK OF CHICAGO, due motive having been served and proof of service having been filed with the Court, this Court having jurisdiction over the parties and the subject matter, and no response having been passentenced after having reviewed the file in this appeal;

IT IS HEREBY ORDERED:

The motion of NORTHWEST NATIONAL BANK OF CHICAGO is hereby allowed, and this appeal is dismissed.

Date: _____

"STAMP" - Order Entered July 19, 1988

JOHN J. SULLIVAN - "Signed"
_____
Presiding Justice

JAMES C. MURRAY - "Signed"
_____
Justice

FRANCES S. LORENZ - "Signed"
_____
Justice

Simpson, Cybel & Torres #20087
Attorney for Appellee
77 W. Washington, Suite 818
Chicago, Illinois 60602
236-3580